

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|--------------------------------------|---|------------------------|
| TEVA PHARMACEUTICALS USA, INC., |) | |
| TEVA PHARMACEUTICAL INDUSTRIES LTD., |) | |
| and NOVOPHARM, LTD., |) | |
| |) | |
| Counterclaim Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 02-1512 (***) |
| |) | |
| ABBOTT LABORATORIES, |) | |
| FOURNIER INDUSTRIE ET SANTÉ, and |) | |
| LABORATOIRES FOURNIER S.A., |) | |
| |) | |
| Counterclaim Defendants. |) | |
| |) | |
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| IMPAX LABORATORIES, INC., |) | |
| |) | |
| Counterclaim Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | C.A. No. 03-120 (***) |
| ABBOTT LABORATORIES, |) | |
| FOURNIER INDUSTRIE ET SANTÉ, and |) | |
| LABORATOIRES FOURNIER S.A., |) | |
| Counterclaim |) | |
| Defendants. |) | |
| |) | |
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| IN RE TRICOR DIRECT PURCHASER |) | |
| ANTITRUST LITIGATION |) | |
| |) | |
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| THIS DOCUMENT RELATES TO: |) | |
| ALL ACTIONS |) | |
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| IN RE TRICOR INDIRECT PURCHASER |) | |
| ANTITRUST LITIGATION |) | |
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| ALL ACTIONS |) | |
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STIPULATION AND PROPOSED ORDER RE SCHEDULE

IT IS HEREBY STIPULATED by the Plaintiffs and the Defendants, subject to the approval of the Court, that the following modification to the schedule (*see, e.g.*, D.I. 521 and D.I. 540 in C.A. No. 02-1512) will apply:

1. In accordance with the terms of the Court's scheduling order dated June 8, 2007, (see D.I. 540 in C.A. No. 02-1512), Defendants have offered July 25-26, 2007 for the deposition of Richard Gilbert, and August 22-23, 2007 for the deposition of Margaret Guerin Calvert. If plaintiffs do not take depositions on those dates, dates will be provided falling before the close of expert discovery as defined herein.

2. Any party serving an initial expert report on December 15, 2006 to which Abbott and Fournier responded on April 18, 2007 may serve a reply report on or before August 10, 2007 to contradict or rebut evidence on the same subject matter.

3. Any party serving an initial expert report on December 15, 2006 to which Abbott and Fournier responded on June 29, 2007 may serve a reply report on or before September 10, 2007 to contradict or rebut evidence on the same subject matter.

4. Without prejudice to any party's position on which party has the burden of proof on the issue of product improvements, Impax and Teva may serve expert reports responsive to Abbott's and Fournier's expert reports on product improvements on or before July 20, 2007.

5. Abbott and Fournier may serve on September 10, 2007 (also without prejudice as in paragraph 4) expert reports responsive to Impax's and Teva's expert reports on product improvements served pursuant to paragraph 4 above.

6. The parties shall work in good faith to promptly provide proposed expert deposition dates for all experts whose reports have been served as of the date of this Order.

7. Depositions of the experts shall be completed by January 25, 2008. There shall be only one deposition for each report filed by each expert. All plaintiffs shall take a single deposition of each Abbott and Fournier expert, per each report filed by such expert. The deposition of an expert is not limited to one day of seven hours; the parties shall negotiate in good faith to establish time limits for individual expert depositions.

8. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), it shall be made by motion no later than March 7, 2008. Answering briefs shall be served on or before April 4, 2008. Any party wishing to file a reply brief in support of a *Daubert* motion may ask the Court at the time of briefing for permission to file a reply brief. Absent such permission, reply briefs shall not be filed in support of a *Daubert* motion.

9. All case dispositive motions, and an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before March 21, 2008. Answering briefs shall be served and filed by April 28, 2008 and reply briefs shall be served and filed by May 30, 2008.

ROSENTHAL, MONHAIT & GODDESS, P.A.

/s/ Jeffrey S. Goddess

Jeffrey S. Goddess (# 630)
Jessica Zeldin (# 3558)
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433

Liaison Counsel for Direct Purchasers

PRICKETT JONES & ELLIOTT, P.A.

/s/ Elizabeth M. McGeever

Elizabeth M. McGeever (# 2057)
1310 King Street
P.O. Box 1328
Wilmington, DE 19899
(302) 888-6521

Counsel for Walgreen Co., Eckerd Corp., The Kroger Co., Maxi Drug, Inc. d/b/a Brooks Pharmacy, Albertson's Inc., Safeway, Inc. and Hy-Vee, Inc., CVS Pharmacy, Inc., Rite Aid Corp. and Rite Aid Hdqtrs Corp., and American Sales Company Inc.

CHIMICLES & TIKELLIS LLP

/s/ A. Zachary Naylor

Pamela S. Tikellis (#2172)
A. Zachary Naylor (# 4439)
One Rodney Square
P.O. Box 1035
Wilmington, DE 19899
(302) 656-2500

Liaison Counsel for Indirect Purchasers

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ James W. Parrett, Jr.

Mary B. Graham (# 2256)
James W. Parrett, Jr. (# 4292)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200

Attorneys for Abbott Laboratories

RICHARDS, LAYTON & FINGER, P.A.

/s/ Anne Shea Gaza

Frederick L. Cottrell, III (# 2555)
Anne Shea Gaza (# 4093)
One Rodney Square
Wilmington, DE 19801
(302) 651-7700

Attorneys for Fournier Industrie et Santé and Laboratoires Fournier, S.A.

MURPHY & LANDON

/s/ Jonathan L. Parshall

Jonathan L. Parshall (# 3247)
1011 Centre Road, Suite 210
Wilmington, DE 19805
(302) 472-8100

Attorneys for Pacificare Health Systems, Inc.

YOUNG CONAWAY STARGATT & TAYLOR, LLP MORRIS JAMES HITCHENS & WILLIAMS LLP

/s/ Karen E. Keller

Josy W. Ingersoll (#1088)
Karen E. Keller (#4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19899-0391
(302) 571-6600

*Attorneys for Teva Pharmaceuticals USA,
Inc., Teva Pharmaceuticals Industries Ltd.,
and Novopharm Ltd.*

/s/ Mary B. Matterer

Mary B. Matterer (#2696)
222 Delaware Avenue, 10th Floor
Wilmington, DE 19899-2306
(302) 888-6800

Attorneys for Impax Laboratories Inc.

SO ORDERED this _____ day of _____, 2007.

UNITED STATES MAGISTRATE JUDGE